

oriented in a fashion to direct the instrument 10 to the desired point within the surgical field. The shaft 18 may also be incorporated into a pivot 24 of any of several configurations including a ball 25 and socket 26 joint having a passage 27 running axially through the ball 25 wherein the shaft 18 is contained in the passage 27 such that the ball 25 is rotated within the

IN THE CLAIMS

Please cancel claims 1-14 without prejudice to the possibility of filing one or more continuing applications directed to the subject matter recited therein.

Please enter the following additional claims:

15. (New) An instrument adapted to fix a portion of a beating part by applying a negative pressure thereto, said instrument comprising:

a first member adapted to contact the portion of the beating heart, said first member having at least one suction port adapted to deliver the negative pressure to the portion of the beating heart, at least one suction line for connecting said at least one suction port to a source of negative pressure, and a suction aperture interconnecting each said at least one suction port with said at least one suction line, wherein each said suction aperture has a cross-sectional area substantially smaller than a cross-sectional area of said suction port with which it connects.

16. (New) The instrument of claim 15, wherein each said suction aperture interconnects with each said suction port, respectively, so as to be located off-center of said suction port.

17. (New) The instrument of claim 15, said first member having a plurality of said suction ports, each said suction port being interconnected to said at least one suction line by a respective one of said suction apertures.

18. (New) The instrument of claim 17, wherein each said suction aperture interconnects with each said suction port, respectively, so as to be located off-center of said suction port.

19. (New) The instrument of claim 17, wherein said at least one suction line consists of one suction line and each said suction aperture interconnects each said suction port, respectively, to said one suction line.

20. (New) The instrument of claim 15, further comprising:

a second member adapted to contact the portion of the beating heart, said second member having at least one suction port adapted to deliver the negative pressure to the portion of the beating heart, said at least one suction port of said second member being connected to at least one of said at least one suction line.

95
cont. 21. (New) The instrument of claim 20, wherein said second member further comprises a suction aperture interconnecting each said at least one suction port with said at least one suction line, wherein each said suction aperture of said second member has a cross-sectional area substantially smaller than a cross-sectional area of said suction port with which it connects.

10020454
1042401 22. (New) The instrument of claim 21, wherein each said suction aperture of said second member interconnects with each said suction port of said second member, respectively, so as to be located off-center of said respective suction port.

23. (New) The instrument of claim 21, said second member having a plurality of said suction ports, each said suction port of said second member being interconnected to said at least one suction line by a respective one of said suction apertures of said second member.

24. (New) The instrument of claim 23, wherein each said suction aperture of said second member interconnects with each said suction port of said second member, respectively, so as to be located off-center of said respective suction port.

25. (New) The instrument of claim 23, wherein said at least one suction line consists of two suction lines, each said suction aperture of said first member interconnects each said suction port of said first member, respectively, to a first one of said two suction lines, and each said suction aperture of said second member interconnects each said suction port of said second member, respectively, to a second one of said two suction lines.

sub
13 26. (New) A suction member adapted to be mounted at a distal end of an instrument, said instrument adapted to fix a portion of a beating heart by applying a negative pressure through said suction member, said suction member comprising at least one elongate body having at least one suction port having a distal opening adapted to engage the surface of the beating heart and a suction aperture connected to each said suction port, and a suction conduit passing within said body and fluidly connecting with each said suction aperture, said suction conduit being in fluid communication with a vacuum line.

B3
CONT

27. (New) The suction member of claim 26, wherein each said elongate body contains a plurality of said suction ports and a plurality of said suction apertures respectively connecting said suction ports to said suction conduit, wherein each said suction aperture has a cross-sectional area that is smaller than a cross-sectional area of said port to which it connects, wherein said cross-sectional area of said port is measured where it opens to said surface.

28. (New) The suction member of claim 27, wherein each said suction aperture interconnects with each said suction port, respectively, so as to be located off-center of said suction port.

29. (New) A suction arrangement for a surgical instrument adapted for fixation of a portion of a beating heart, said arrangement comprising:

a suction port having first and second ends, said first end being open to fluid flow therethrough, said second end connected to a suction aperture having a smaller cross-sectional area than a cross-sectional area of said first end, and a suction conduit connected to said suction aperture, said suction conduit being adapted to connect with a source of negative pressure.

30. (New) The suction arrangement of claim 29, further comprising a plurality of said suction ports and said suction apertures, each said suction port being connected with one of said suction apertures, respectively, and all of said suction apertures connecting with said suction conduit.

31. (New) The suction arrangement of claim 29, wherein said suction aperture connects with said suction port so as to be located off-center of said suction port.

32. (New) The suction arrangement of claim 30, wherein each said suction aperture connects with each said suction port, respectively, so as to be located off-center of said suction port.

No prohibited new matter is believed to have been introduced by these amendments.

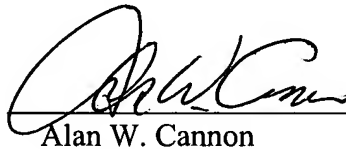
This amendment is being filed with a transmittal letter/fee sheet. In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that extensions or other relief is required and/or fees are due, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge our Deposit Account No. 50-0815 for any fees due in connection with the filing of this document.

Respectfully submitted,

Date:

December 14, 2001

By:



Alan W. Cannon

Registration No. 34,977

BOZICEVIC, FIELD & FRANCIS LLP
200 Middlefield Road, Suite 200
Menlo Park, CA 94025
Telephone: (650) 327-3400
Facsimile: (650) 327-3231

F:\DOCUMENT\GUID\003CON3\Borst Cont. Preliminary Amendment.wpd